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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,694	12/27/2001	Michel Marcel	1F-1285	9289
466	7590	03/26/2004		
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			EXAMINER LEE, EDMUND H	
			ART UNIT 1732	PAPER NUMBER

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	Application No. 10/026,694	Applicant(s) MARCEL ET AL.	
	Examiner EDMUND H. LEE	Art Unit 1732	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

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|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)<br>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)<br>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/27/01</u> . | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____<br>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)<br>6) <input type="checkbox"/> Other: _____ |
|--|--|

### DETAILED ACTION

1. Applicant's election with traverse of claims 5-9 in Paper No. 1/18/04 is acknowledged. The traversal is on the ground(s) that separate classification is not evidence of the propriety of a requirement for restriction. This is not found persuasive because the inventions are still distinct for the reasons shown in paragraph 2 of the Office action mailed 12/17/03. The separate classification illustrates and supports the reasons for distinctiveness shown in paragraph 2 of the Office action mailed 12/17/03.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1-4 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 1/18/04.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gunn (USPN 4619806) in view of Bruning (USPN 5156798). In regard to claim 5, Gunn teaches the basic claimed apparatus including a machine for manufacturing packaging articles, each article having a hollow body provided with a neck-forming open end, the machine being of the type comprising at least one assembly comprising a mold (figs 1-13); means for positioning a flat piece of thermoplastic material over an open end of a

Art Unit: 1732

recess of the mold (figs 1-13); means for heating the material (figs 1-13); a punch having a piston axially displaceable into the mold from a retracted, rest position in which it is situated outside the mold, into an active, blank-forming position in which it penetrates inside the mold (figs 1-13); and means for blowing the resulting blank against the wall of the mold wherein the mold is constituted by separable elements each constituting a matrix for molding a segment of an article, the elements being associated with one another by drive means for controlling displacement thereof to open or close the mold (figs 1-13). However, Gunn does not teach a bottom of the mold provided with at least one suction tube for connection to a suction apparatus for holding an article against the bottom while the mold is opened. Bruning teaches a machine for removing a bottle from a mold (figs 1-15); and using a suction positioned at the bottom of the article to hold the article during conveyance (figs 1-15). Gunn and Bruning are combinable because they are analogous with respect to removing a bottle from a mold. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include at least one suction tube in the bottom mold of Gunn in order to prevent displacement of the bottle of Gunn during its movement. In regard to claims 6-9, Gunn teaches means for handling articles (figs 1-13); and a trimming means (fig 13). However, Gunn does not teach a bottom mold having channels opening out to the outside; and cooling channels in the mold. In regard to a bottom mold having channels opening out to the outside, such is well-known in the blow molding art in order to prevent damage and wrinkles in the blown article. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include channels

Art Unit: 1732

in the bottom mold of Gunn in order to prevent damage and wrinkles to the blown bottle of Gunn. In regard to cooling channels in the mold, such is well-known in the molding art in order to solidify a product such that it will not be damaged during subsequent movement. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include cooling channels in the mold of Gunn in order to solidify the bottle of Gunn such that it will not be damaged during subsequent movement.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Both Edwards (USPN 3173174) and Wendt (USPN 4851178) teach the state of blow molding machines.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 571.272.1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1732

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EDMUND H. LEE  
Primary Examiner  
Art Unit 1732

EHL

  
3/22/04